

The Regular Meeting of the Board of Trustees was held on December 15, 2014 at the Village Hall, 34 School Street, Bayville, New York 11709 at 7:30 PM.

Present were:

Deputy Mayor Russo

Trustee Pinkerton

Trustee Charon

Trustee Fay

Trustee Taylor

Trustee Valsecchi

Village Clerk Treasurer

Maria Alfano-Hardy

Secretary to Board

Nikki Paris

Village Attorney

Keith Corbett

Absent was: Mayor Rupp

Trustee Fay moved BE IT RESOLVED that the following warrants and claims have been audited by the Audit Commission and are hereby offered for approval by the Board of Trustees and BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to make said payments.

FUND	CLAIM NO.	WARRANT	AMOUNT
GENERAL			
PAYROLL	11/26/2014	6H	\$ 19,878.58
	425	6I	\$ 1,515.57
	426	6J	\$ 235,739.38
PAYROLL	12/3/2014	7A	\$ 20,984.16
	427	7B	\$ 1,599.84
	428/474	7C	\$ 95,329.93
PAYROLL	12/10/2014	7D	\$ 23,568.81
	475	7E	\$ 1,796.91
TOTAL GENERAL			\$ 400,413.18
WATER			
PAYROLL	11/26/2014	6H	\$ 3,994.50
	97	6I	\$ 304.55
PAYROLL	12/3/2014	7A	\$ 5,678.96
	98	7B	\$ 432.97
	99/103	7C	\$ 3,343.04
PAYROLL	12/10/2014	7D	\$ 4,113.80
	104	7E	\$ 313.64
TOTAL WATER			\$ 18,181.46
TRUST & AGENCY			
	137/142	6E	\$ 11,954.12
	143/146	7A	\$ 9,085.58
	147	7B	\$ 2,001.80
	148/151	7C	\$ 10,885.12
			.
TOTAL T & A			\$ 33,926.62
REVENUE ENTERPRISE			
	35/36	7A	\$ 58,748.91
TOTAL REVENUE ENTERPRISE			\$ 58,748.91
CAPITAL	13/16	7A	\$ 36,970.53
TOTAL CAPITAL			\$ 36,970.53
COMMUNITY DEVELOPMENT			
TOTAL COMMTY DEVELOP			\$ -
GRAND TOTAL			\$ 548,240.70

FUND	CLAIM NO.
GENERAL	
PAYROLL	11/26/2014
	425
	426

REGULAR MEETING DECEMBER 15, 2014

PAYROLL	12/3/2014
	427
	428/474
PAYROLL	12/10/2014
	475
TOTAL GENERAL	
WATER	
PAYROLL	11/26/2014
	97
PAYROLL	12/3/2014
	98
	99/103
PAYROLL	12/10/2014
	104
TOTAL WATER	
TRUST & AGENCY	
	137/142
	143/146
	147
	148/151
TOTAL T & A	
REVENUE ENTERPRISE	
	35/36
TOTAL REVENUE ENTERPRISE	
CAPITAL	13/16
TOTAL CAPITAL	
COMMUNITY DEVELOPMENT	
TOTAL COMMTY DEVELOP	
GRAND TOTAL	

Seconded by: Trustee Taylor
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-176

Deputy Mayor Russo moved BE IT RESOLVED to accept the prior meeting's minutes as presented.
Seconded by: Trustee Pinkerton
Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-177

Trustee Fay moved BE IT RESOLVED to approve the Meeting and Holiday Schedule for 2015 as follows:

VILLAGE OF BAYVILLE
MEETING & HOLIDAY SCHEDULE 2015

<u>DAY</u>	<u>DATE</u>	<u>HOLIDAY</u>
Thursday	January 1	New Year's Day
Monday	January 19	Martin Luther King Day
Monday	February 16	Presidents Day
Monday	May 25	Memorial Day
Friday	July 3	Independence Day
Monday	September 7	Labor Day
Monday	October 12	Columbus Day
Wednesday	November 11	Veterans Day
Thursday & Friday	November 26 & 27	Thanksgiving
Thursday 1/2 Day	December 24	Christmas Eve
Friday	December 25	Christmas Day
Thursday 1/2 Day	December 31	New Year's Eve

VILLAGE BOARD MEETING SCHEDULE 2015

Meetings start at 7:30pm.

January 26	July 13 & 27
February 23	August 24
March 23	September 28
April 27	October 26
May 18	November 23
June 22	December 14

TAX SALE – TUESDAY, JULY 28, 2015

2015 Architectural Review Board Meeting Schedule - Second Tuesday of the Month at 7:30pm.

2015 Planning Board Meeting Schedule – Third Tuesday of the Month at 7:30pm.

2015 Zoning Board of Appeals Meeting Schedule – Last Wednesday of the Month at 7:30pm.

2015 Bayville Village Justice Court Schedule – Third Wednesday of the Month January through November at 7:00pm.

NO COURT IN DECEMBER

Seconded by: Trustee Valsecchi

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-178

WHEREAS, the Incorporated Village of Bayville is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor's Office of Storm Recovery (GOSR) to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and,

WHEREAS, participation in the New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Program requires the adoption and implementation of a Citizen Participation Plan to comply with Section 508 of the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the purpose of this plan is to provide for and encourage citizen participation, with particular emphasis on participation by persons of low and moderate income who are residents of slum and blighted areas and of areas in which funds are proposed to be used.

NOW, THEREFORE, Trustee Pinkerton moved **BE IT RESOLVED** by the Board of Trustees of the Incorporated Village of Bayville that the attached New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) Citizen Participation Plan be hereby officially adopted for implementation in the Incorporated Village of Bayville New York State CDBG-DR Program.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-179

WHEREAS, the Incorporated Village of Bayville is a subrecipient receiving New York State Community Development Block Grant-Disaster Recovery (CDBG-DR) funds, as administered by the Housing Trust Fund Corporation, Governor's Office of Storm Recovery (GOSR), to assist in addressing unmet needs from either Hurricane Irene, Tropical Storm Lee, or Superstorm Sandy; and

WHEREAS, CDBG-DR federal guidelines and regulations require the Incorporated Village of Bayville, as a recipient of this funding, to provide opportunities for training and employment to lower income residents of the Section 3 covered project areas to the greatest extent feasible; and

WHEREAS, as required under Section 3 of the Housing and Urban Development Act of 1968, as amended, contracts for work in connection with all projects funded by the CDBG-Disaster Recovery funds are (to the greatest extent feasible) to be awarded to eligible business concerns which are located in, or owned in substantial part, by persons residing within the covered project areas,

NOW, THEREFORE, Trustee Charon moved **BE IT RESOLVED**, by the Board of Trustees of the Incorporated Village of Bayville that the attached Section 3 Plan, in compliance with New York State Community Development Block Grant – Disaster Recovery (CDBG-DR) Section 3 Requirements be hereby officially adopted for implementation in the Incorporated Village of Bayville New York State CDBG—Disaster Recovery Program.

Seconded by: Trustee Fay

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-180

WHEREAS, the Village of Bayville, Nassau County, New York (the "Village") heretofore issued, an aggregate principal amount of \$3,010,000 Public Improvement (Serial) Bonds, 1999, dated November 1, 1999 (the "1999 Bonds") and of which there are presently \$1,130,000 aggregate principal amount outstanding, maturing on November 1 in each of the following years and amounts;

<u>Year</u>	<u>Amount</u>
2015	\$200,000
2016	215,000
2017	225,000
2018	240,000
2019	250,000

WHEREAS, it appears that it would be in the public interest to refund all \$1,130,000 principal amount of the 1999 Bonds maturing in the years 2015 through 2018 (the “1999 Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, the Village heretofore issued an aggregate principal amount of \$3,875,000 Public Improvement (Serial) Bonds, 2003, dated December 1, 2003 (the “2003 Bonds”) and of which there are presently \$2,125,000 aggregate principal amount outstanding, maturing on December 1 in each of the following years and amounts;

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2015	200,000	2020	245,000
2016	210,000	2021	255,000
2017	215,000	2022	265,000
2018	225,000	2023	275,000
2019	235,000		

WHEREAS, it appears that it would be in the public interest to refund all \$2,125,000 principal amount of the 2003 Bonds maturing in the years 2015 through 2023 (the “2003 Refunded Bonds”) by the issuance of refunding bonds pursuant to Section 90.00 or Section 90.10 of the Local Finance Law; and

WHEREAS, it appears that each of the refundings of the 1999 Refunded Bonds and the 2003 Refunded Bonds (collectively, the “Refunded Bonds”), will result in present value savings in debt service as required by Section 90.00 or Section 90.10 of the Local Finance Law; NOW, THEREFORE, BE IT

RESOLVED, by the Board of Trustees of the Village of Bayville, Nassau County, New York, as follows:

Section 1. For the object or purpose of refunding the \$3,255,000 aggregate outstanding principal balance of the Refunded Bonds, including providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized, shall be sufficient to pay (i) the principal amount of the Refunded Bonds, (ii) any redemption premiums on the Refunded Bonds at their respective call dates, (iii) the aggregate amount of interest payable on the Refunded Bonds to and including the date on which the Refunded Bonds either maturing or are to be called prior to their respective maturities in accordance with the Refunding Financial Plan, as hereinafter defined, (iv) the costs and expenses incidental to the issuance of the refunding bonds herein authorized, including the development of the Refunding Financial Plan, as hereinafter defined, compensation to the Purchaser, as hereinafter defined, costs and expenses of executing and performing the terms and conditions of the Escrow Contract, as hereinafter defined, and fees and charges of the Escrow Holder, as hereinafter mentioned, and (v) any premium or premiums for a policy or policies of municipal bond insurance for the refunding

bonds herein authorized, or any portion thereof, there are hereby authorized to be issued up to \$3,500,000 refunding bonds of the Village pursuant to the provisions of Section 90.00 or Section 90.10 of the Local Finance Law (the "Public Improvement Refunding Bonds or, sometimes, the "Refunding Bonds"), it being anticipated that the aggregate amount of Refunding Bonds actually to be issued will be approximately \$3,180,000 as provided in Section 3 hereof. As indicated in the Refunding Financial Plan, as hereinafter defined, the Refunding Bonds shall be divided into two series of tax-exempt bonds. These two series of Refunding Bonds shall be combined for purposes of sale and be designated substantially "PUBLIC IMPROVEMENT REFUNDING (SERIAL) BOND", including a year, and a series designation, shall be dated February 2, 2015, or such other date or dates as shall hereafter be determined by the Village Treasurer pursuant to Section 3 hereof, shall be of the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of each respective maturity, and shall mature annually on November 1 in each of the years 2015 through 2023, or such other dates as the Village Treasurer shall hereafter determine pursuant to Section 3 hereof, and shall bear interest payable on May 1 and November 1, commencing November 1, 2015, or such dates as the Village Treasurer shall hereafter determine pursuant to Section 3 hereof, at the rate or rates of interest per annum as may be necessary to sell the same, all as shall be determined by the Village Treasurer.

The Refunding Bonds may, if so determined by the Village Treasurer pursuant to Section 3 hereof, be subject to redemption prior to maturity upon such terms as the Village Treasurer shall prescribe, which terms shall be in compliance with the requirements of Section 53.00 (b) of the Local Finance Law. If less than all of the Refunding Bonds of any maturity are to be redeemed, the particular refunding bonds of such maturity to be redeemed shall be selected by the Village by lot in any customary manner of selection as determined by the Village Treasurer. Notice of such call for redemption shall be given by mailing such notice to the registered owners not more than sixty (60) nor less than thirty (30) days prior to such dates. Notice of redemption having been given as aforesaid, the bonds so called for redemption shall, on the dates for redemption set forth in such call for redemption, become due and payable, together with interest to such redemption dates, and interest shall cease to be paid thereon after such redemption dates.

The Refunding Bonds shall be issued in registered form and shall not be registrable to bearer or convertible into bearer coupon form. Principal of the Refunding Bonds shall be payable to the registered owners as shall hereafter be determined by the Village Treasurer. Principal and interest on the Refunding Bonds will be payable in lawful money of the United States of America. The Refunding Bonds shall be executed in the name of the Village by the manual or facsimile signature of the Village Treasurer, and a facsimile of its corporate

seal shall be impressed, imprinted, affixed or otherwise reproduced thereon and may be attested by the manual or facsimile signature of the Village Clerk. In the event of facsimile signatures by the Village Treasurer and/or the Village Clerk, the Refunding Bonds shall be authenticated by the manual signature of an authorized officer or employee of a bank or trust company acting in the capacity of the fiscal agent for the Refunding Bonds, and the Village Treasurer is hereby authorized to enter into an agreement or agreements containing such terms as he shall deem proper with a bank or trust company to perform the services described in Section 70.00 of the Local Finance Law. The Refunding Bonds shall contain the recital required by subdivision 4 of paragraph j of Section 90.10 of the Local Finance Law and the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of the Refunding Bonds any charges for mailing, shipping and insuring bonds transferred or exchanged, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected.

Section 2. It is hereby determined that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this Resolution shall not exceed the limitation imposed by subdivision 1 of paragraph b of Section 90.10 of the Local Finance Law;

(b) the maximum periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for objects or purposes for which the Refunded Bonds were issued are as shown on Schedule B attached hereto;

(c) the last installment of each series of the Public Improvement Refunding Bonds will mature not later than the expiration of the period of probable usefulness of each object or purpose, or the weighted average of the periods of probable usefulness of objects or purposes, for which the Refunded Bonds of such series were issued in accordance with the provisions of subdivision 1 of paragraph c of Section 90.10 of the Local Finance Law; and

(d) the estimated present value of the total debt service savings anticipated as a result of the issuance of the Refunding Bonds, computed in accordance with the provisions of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law, is as shown in the Refunding Financial Plan described in Section 3 hereof.

Section 3. The financial plan for the refunding authorized by this Resolution, showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation

of the aforesaid estimated present value of total debt service savings, are set forth in Schedule A attached hereto and hereby made a part of this Resolution (the "Refunding Financial Plan"). The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the principal amount of \$3,180,000 and that the Refunding Bonds will mature, be of such terms, and bear interest as set forth in Schedule A. This Board of Trustees recognizes that the amount of the Refunding Bonds, maturities, terms, and interest rate or rates borne by the Refunding Bonds to be issued by the Village will probably differ from such assumptions and that the Refunding Financial Plan will also probably differ from that attached hereto as Schedule A. The Village Treasurer is hereby authorized and directed to determine the amount of the Refunding Bonds to be issued, the dates of such bonds and the dates of issue, maturities and terms thereof, the provisions relating to the redemption of Refunding Bonds prior to maturity, if any, whether the Public Improvement Refunding Bonds will be insured by a policy or policies of municipal bond insurance, whether the Refunding Bonds shall be sold at a discount in the manner authorized by paragraphs e and f of Section 57.00 of the Local Finance Law, and the rate or rates of interest to be borne thereby, and to prepare, or cause to be provided, a final Refunding Financial Plan for the Refunding Bonds, and all powers in connection therewith are hereby delegated to the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Village Treasurer shall file a copy of the certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk not later than ten (10) days after the delivery of the Refunding Bonds, as herein provided. The Village Treasurer shall file the certificate, approved by the State Comptroller, setting for the present value of the total debt service savings from the issuance of the Refunding Bonds, with the Village Clerk as required by paragraph f of Section 90.10 of the Local Finance Law.

Section 4. Pursuant to the provisions of paragraph a of Section 56.00 of the Local Finance Law, the power to determine whether to issue the Refunding Bonds having substantially level or declining annual debt service, as provided in paragraph d of Section 21.00 and in paragraph c of Section 90.10 of the Local Finance Law, is hereby delegated to the Village Treasurer. All other delegable matters relating to such Refunding Bonds to be issued by said Village are hereby delegated to the Village Treasurer.

Section 5. The Village Treasurer is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in the State of New York as he shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunded

Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. The Village is also authorized and directed to enter into a contract with a verification agent in connection with the issuance of the Refunding Bonds

Section 6. The faith and credit of said Village of Bayville, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. All of the proceeds from the sale of the Public Improvement Refunding Bonds, including the premium, if any, but excluding accrued interest thereon, shall immediately upon receipt thereof be placed in escrow with the Escrow Holder for the Refunded Bonds. Any accrued interest on the Refunding Bonds shall be paid to the Village Treasurer to be expended to pay interest on the Refunding Bonds on their first interest payment dates as may be determined in accordance with Section 3 hereof. Such proceeds as are deposited in the escrow deposit fund to be created and established pursuant to the Escrow Contract, whether in the form of cash or investments, or both, inclusive of any interest earned from the investment thereof, shall be irrevocably committed and pledged to the payment of the principal of and interest on the Refunded Bonds in accordance with Section 90.10 of the Local Finance Law, and the holders, from time to time, of the Refunded Bonds shall have a lien upon such moneys held by the Escrow Holder. Such pledge and lien shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder for the Refunded Bonds in the escrow deposit fund shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Village irrespective of whether such parties have notice thereof.

Section 8. Notwithstanding any other provision of this Resolution, so long as any of the Refunding Bonds shall be outstanding, the Village shall not use, or permit the use of, any proceeds from the sale of the Refunding Bonds in any manner which would cause any Refunding Bond issued as a tax-exempt bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended, and, to the extent applicable, the Regulations promulgated by the United States Treasury Department thereunder as then in effect. The Refunding Bonds shall be sold at private sale to a purchaser to be selected by the Village Treasurer or, at the election of the Village Treasurer, to the successful bidder at public sale (in either case, the "Purchaser") for a purchase price

to be determined by the Village Treasurer (or in the case of a public sale, by public bid), plus accrued interest from the date of the Refunding Bonds to the date of the delivery of and payment for the Refunding Bonds. Approval of the terms and conditions of such sale by the State Comptroller shall be obtained if and as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law. After the Refunding Bonds have been duly executed, they shall be delivered by the Village Treasurer to the Purchaser in accordance with a purchase contract to be entered into with the Purchaser, or according to the terms of the notice of sale, as the case may be.

Section 9. In accordance with the provisions of Section 53.00 and of paragraph h of Section 90.10 of the Local Finance Law, the Village hereby elects to call in and redeem on March 16, 2015 or such later date or dates as shall be determined by the Treasurer in accordance with the final Refunding Financial Plan, i) all 1999 Refunded Bonds, and ii) all 2003 Refunded Bonds. The sum to be paid on such redemption dates shall be the par value, without premium. The Escrow Agent for the Refunded Bonds is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in or otherwise applicable to the Refunded Bonds. Such notices of redemption shall be in substantially the forms to be attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the callable Refunded Bonds and the direction to the Escrow Agent to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the publication requirements of paragraph a of Section 53.00 of the Local Finance Law, or any successor law thereto.

Section 10. The Village Treasurer and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this Resolution or any document or agreement approved hereby.

Section 11. All other matters pertaining to the terms and conditions of issuance of the Refunding Bonds shall be determined by the Village Treasurer and all powers in connection thereof are hereby delegated to the Village Treasurer.

Section 12. The validity of the Refunding Bonds may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
2. The provisions of law which should be complied with at the dates of publication of this Resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the dates of such publication, or

3. Such obligations are authorized in violation of the provisions of the Constitution.

Section 13. A summary of this Resolution, which takes effect immediately, shall be published in full in The Locust Valley Leader and The Oyster Bay Guardian, the official newspaper of said Village, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Deputy Mayor Russo moved BE IT RESOLVED to authorize the issuance pursuant to section 90.10 or Section 90.00 of the local finance law of refunding bonds of the Village of Bayville, Nassau County, New York, to be designated "Public Improvement Refunding (Serial) Bonds" and providing for other matters in relation thereto.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-181

The following person addressed the Board:

Joe Gleicher – 10 Tradewinds Drive

PUBLIC HEARING

7:45PM

BILL 2014-3

For the record the Hearing started at 7:45PM. The Village Clerk read the following notice:

PLEASE TAKE NOTICE that the Board of Trustees of the Incorporated Village of Bayville will hold a public hearing commencing at 7:45 p.m. on December 15, 2014 at the Village Hall, 34 School Street, Bayville New York 11709, with respect to the matter, summarized below:

Bill 2014-3, a local law to amend Chapter 77: Water, of the Village Code.

The purpose of the proposed amendment is to establish a one (1) time water charge for all entities that opted out of the AMR Water Meter Replacement Program. Additionally, a manual water meter reading fee shall be established for all entities that opted out of the AMR Water Meter Replacement Program.

Persons who may suffer from a disability, which would prevent them from participating in said hearing, should notify Maria Alfano-Hardy, Village Clerk-Treasurer, at (516) 628-1439 in sufficient time to permit such arrangements to be made to enable such persons to participate in said hearing.

By Order of the Board of Trustees of the Incorporated Village of Bayville

Maria Alfano-Hardy, Village Clerk-Treasurer

Dated: November 25, 2014

Affidavits of Publication and Posting were submitted for the record.

The Board opened the discussion up for public comment. The following person addressed the Board:

Douglas Ricciardi – 15 Ridge Road

After the public comment portion of the hearing concluded, the Board moved the following resolution:

Trustee Fay moved BE IT RESOLVED to close the Public Hearing at 7:50PM.

Seconded by: Trustee Pinkerton

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-182

Trustee Fay moved BE IT RESOLVED to adopt Bill 2014-3 as Local Law No. 3 of the Year 2014 a local law to amend the Village Code Chapter 77: Water Section 77-11 Water charges; reading of meters as follows:

Section 1. Legislative Intent

It is the intent of this Local Law to allow the Incorporated Village of Bayville, County of Nassau, to establish a one-time water charge of two-hundred fifty dollars (\$250.00) for each property owner who has not installed a replacement water meter, under the Village's 2014 AMR Water Meter Replacement Program, and to establish a water meter reading fee of fifty dollars (\$50.00) for each property owner who has not installed a replacement water meter, under the Village's 2014 AMR Water Meter Replacement Program.

Section 2. Authority

This Local Law is adopted pursuant to Article 11 of the Village Law of the State of New York and Section 10 of the Municipal Home Rule Law.

Section 3. Village Code Chapter 77: Water Section 77-11 Subsection I

Commencing on January 1, 2015, each property owner who has not installed a replacement water meter, under the Village's 2014 AMR Water Meter Replacement Program, shall be required to pay a fifty-dollar (\$50.00) charge for each water meter reading. Additionally, commencing on January 1, 2015, each property owner who has not installed a replacement water meter, under the Village's 2014 AMR Water Meter Replacement Program, shall be required to pay a one-time installation charge of two-hundred fifty dollars (\$250.00).

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

Seconded by: Trustee Taylor

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-183

Deputy Mayor Russo moved BE IT RESOLVED to adjourn at 8:15PM to go into Executive Session to discuss collective negotiations pursuant to article fourteen of the civil service law. More specifically, this Executive Session is necessary for the Board to discuss, with counsel, the collective negotiations for the CSEA Village of Bayville Unit Contract.

Seconded by: Trustee Fay

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-184

Trustee Fay moved BE IT RESOLVED to close the meeting at 9:00PM.

Seconded by: Trustee Charon

Poll of the Board: Trustee Fay, aye, Trustee Pinkerton, aye, Trustee Charon, aye, Trustee Taylor, aye, Trustee Valsecchi, aye, Deputy Mayor Russo, aye

RESOLUTION 2014-185

Respectfully submitted,

Maria Alfano-Hardy
Village Clerk Treasurer